

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF MAY 13 AND 14, 2009
South Lake Tahoe**

LATE REVISIONS AS ADOPTED

ITEM: 20

**SUBJECT: WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR
TIMBER HARVEST AND VEGETATION MANAGEMENT
ACTIVITIES IN THE LAHONTAN REGION**

The following changes are proposed to the Waiver:

- 1) Pages 20-0007 of Board Packet page 2 of Timber Waiver**

Section A, Findings, Table 1. Add underlined text to subtitle as follows:

Table 1: Summary of Timber Harvest and Vegetation Management

Activity Categories. Please note that this table supplies only a brief summary of the eligibility criteria, conditions, and requirements of each category, please refer to Section D. Timber Waiver Categories (pages 12-28 for more complete information). For a summary and timeline of the monitoring and reporting required for Categories 4, 5, and 6 please review Attachment P.

- 2) Pages 20-0013-0014, 20-0032 of Board Packet pages 8-9, 27 of Timber Waiver**

Section A, Findings; Section B, General Provisions; and Section E, Certification.

Change all references to May 13 to May 14 (actual adoption and expiration dates)

- 3) Page 20-0016 of Board Packet page 11 of Timber Waiver**

Section C, General Condition 9. Remove strikethrough and add underlined text as follows:

9. ...Material changes include, but are not limited to:

- (a) Change of project location or increase in size,**
- (b) ~~Change to proposed~~ The addition of winter period operations,**
- (c) Relocation or addition of watercourse crossings,**
- (d) Addition or relocation of roads or skid trails into a Waterbody Buffer Zone.**

4) Page 20-0016 of Board Packet

page 11 of Timber Waiver

Section C, General Condition 10. Remove strikethrough and add underlined text as follows:

~~10. Any proposed material change to the activities proceeding under the Timber Waiver that would result in the activity qualifying under Category 6 must be reported to the Water Board staff a minimum of **30 days** before the proposed implementation of any such change pursuant to Water Code section 13267, subdivision (b) and Water Code section 13269, subdivision (a).~~

10. Any proposed material change to a project that does not result in a change in qualification under this waiver to a higher Category (e.g., Category 4 to Category 4) must be reported to the Water Board prior to implementation. Material changes to Category 6 projects shall not proceed until Category 6, Condition (1) is satisfied.

Any proposed material change to a project that results in a change in qualification under this waiver to a higher category (e.g., Category 2 to 4, or Category 4 to 6) must follow the notification requirements as if it was a new application.

5) Pages 20-0019 & 20-0023 of Board Packet

pages 14 & 18 of Timber Waiver

Section D, Category 2, Condition 3; and Category 4, Condition 9. Add underlined text as follows:

Prior to the commencement of activities within Waterbody Buffer Zones (as defined in Attachment B), trees with a DBH¹ greater than 3 inches planned for removal, or trees designated for retention, must be marked (including a base mark below the cutline) or designated by written prescription and/or sample mark. However, all trees greater than 14 inch DBH planned for removal within Waterbody Buffer Zones must be marked (including a base mark below the cutline). Marking or written prescription must be done by either a: ...

Page 20-0030 of Board Packet

page 25 of Timber Waiver

Section D, Category 6, Condition 18. Add underlined text as follows:

(18) Prior to the commencement of timber harvest and vegetation management activities within Waterbody Buffer Zones (as defined in Attachment B), trees with a DBH² greater than 3 inches planned for removal, or trees designated for retention, must be marked (including a base mark below the cutline) or

designated by written prescription and/or sample mark. However, all trees greater than 14 inch DBH planned for removal within Waterbody Buffer Zones must be marked (including a base mark below the cutline). Marking or written prescription must be done by either a: ...

6) Page 20-0020 of Board Packet

page 15 of Timber Waiver

Section D, Category 2, Condition 7(b). Remove strikethrough and **add** underlined text as follows:

- b. ~~No placement or burning of burn piles within Waterbody Buffer Zones (as defined in Attachment A), Stream Environment Zones in the Lake Tahoe HU, or 100-year floodplains in the Little Truckee River, Truckee River or Lake Tahoe HUs except b~~Burn piles may be placed within Waterbody Buffer Zones outside SEZs in the Tahoe HU under all of the following circumstances:
 - i. Piles must not be located within 100 year floodplain of any watercourse or within 25 feet of a watercourse.
 - ii. Piles must be limited in size to no more than 10 feet in diameter and 5 feet in height.
 - iii. No more than 10% of the area within the Waterbody Buffer Zone shall be covered in piles. This condition means less than 10% of the Waterbody Buffer Zone area subject to vegetation management activities.
 - iv. No placement or burning of burn piles within Stream Environment Zones in the Lake Tahoe HU.

Page 20-0024 of Board Packet

page 19 of Timber Waiver

Section D, Category 4, Condition 15 (c). Remove strikethrough and **add** underlined text as follows:

- c. ~~No placement or burning of burn piles within Waterbody Buffer Zones (as defined in Attachment A), Stream Environment Zones in the Lake Tahoe HU, or 100-year floodplains in the Little Truckee River, Truckee River or Lake Tahoe HUs except b~~Burn piles may be placed within Waterbody Buffer Zones outside SEZs in the Tahoe HU under all of the following circumstances:
 - i. Piles must not be located within 100 year floodplain of any watercourse or within 25 feet of a watercourse.
 - ii. Piles must be limited in size to no more than 10 feet in diameter and 5 feet in height.
 - iii. No more than 10% of the area within the Waterbody Buffer Zone shall be covered in piles. This condition means less than 10% of

the Waterbody Buffer Zone area subject to vegetation management activities.

- iv. No placement or burning of burn piles within Stream Environment Zones in the Lake Tahoe HU.

Pages 20-0030 - 20-0031 of Board Packet

pages 25 - 26 of Timber Waiver

Section D, Category 6, Condition 20 (a). Remove strikethrough and add underlined text as follows:

- a. ~~Unless authorized by the Executive Officer under this Category, no placement or burning of burn piles (as defined in Attachment A) within Waterbody Buffer Zones (as defined in Attachment B), Stream Environment Zones in the Lake Tahoe HU, or 100-year floodplains in the Little Truckee River, Truckee River or Lake Tahoe HUs except~~ Burn piles may be placed within Water Body Buffer Zones outside SEZs in the Tahoe HU under all of the following circumstances:
 - i. Piles must not be located within 100 year floodplain of any watercourse or within 25 feet of a watercourse.
 - ii. Piles must be limited in size to no more than 10 feet in diameter and 5 feet in height.
 - iii. No more than 10% of the area within the Water Body Buffer Zone shall be covered in piles. This condition means less than 10% of the Waterbody Buffer Zone area subject to vegetation management activities.
 - iv. No placement or burning of burn piles within Stream Environment Zones in the Lake Tahoe HU.

7) Page 20-0021 of Board Packet

page 16 of Timber Waiver

Section D, Category 4, Eligibility Criteria 2- 4. Remove strikethrough and add underlined text as follows:

- (2) No construction of new watercourse crossings except for the construction of over-snow watercourse crossings ~~and up to one dry Class III crossing per five acres.~~
- (3) The use of up to one crossing of a dry Class III watercourse per ½ mile of stream length that does not disturb the bed or banks of the stream channel. Prior to use the crossing must be passable by standard production 4 wheel drive vehicles without any grading or excavation of the stream bed or banks or crossing approaches.

Renumber existing Criteria 3 through 10, to Criteria 4 through 11.

In the newly labeled Criteria (5), **change** text as follows:

- (5) d. Up to one dry ~~Class III~~ crossing per five acres of a dry Class III watercourse per ½ mile of stream as described in Criteria 3 above.

8) Page 20-0022 of Board Packet

page 17 of Timber Waiver

Section D, Category 4, Condition 3. Add underlined text as follows:

- (3) Pursuant to Water Code section 13267, if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A), the discharger must comply with the Category 4 **Daily Winter-Period Monitoring Program** (Attachment E) and conduct Winter Implementation Monitoring (Attachment H). Data accumulated during this monitoring must be retained by the discharger and submitted July 15 of every year.

9) Page 20-0029 of Board Packet

page 24 of Timber Waiver

Section D, Category 6, Condition 5. Remove strikethrough and **add** underlined text as follows:

Within the Lake Tahoe, Little Truckee River and Truckee River HUs, Basin Plan prohibitions may apply (see Attachment N). If an exemption is required, the Discharger must request an exemption and provide additional information in the Plan or as an addendum to the Waiver application to address the required basin plan findings and criteria including additional project specific monitoring to evaluate effects. The discharger may also include project trigger(s) (as defined in Attachment A) or thresholds where activities will stop if threshold the trigger(s) are is reached. The discharger will propose appropriate and quantifiable triggers. However, if the discharger does not propose trigger(s), or fails to propose trigger(s) adequate to prevent discharge of wastes to waterbodies, Water Board staff will work with the discharger to develop appropriate trigger(s). The Executive Officer must grant an exemption before activities subject to the prohibitions may occur.

10) Page 20-0032 of Board Packet

page 27 of Timber Waiver

Attachments. Add underlined text as follows:

- C: Category 4 Application Form and Monitoring and Reporting Program

11) Page 20-0034 of Board Packet

page 1 of Attachment A

Attachment A. Remove strikethrough and add underlined text as follows:

100-YEAR FLOODPLAIN (A term only used within the Truckee and Lake Tahoe Hydrologic Units)	for the purposes of this Timber Waiver this term is specific to the Truckee and Lake Tahoe Hydrologic Units. These areas must be determined based on delineations completed or approved by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, or an <u>individual local government</u> qualified to make floodplain delineations. If these agencies have not completed formal delineations the Water Board staff may agree to the use of best professional judgment; Field verification by staff will <u>may</u> be needed. ...
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12) Page 20-0035 of Board Packet:

page 2 of Attachment A

Attachment A. Remove strikethrough and add underlined text as follows:

<u>HERBICIDES</u> <u>PESTICIDES</u>	means, for the purposes of this Timber Waiver, to include pesticides <u>herbicides</u> , insecticides, fungicides, and all other economic poisons. An economic poison is any substance intended to prevent, repel, destroy, or mitigate the damage from insects, rodents, predatory animals, bacteria, fungi, or weeds capable of infesting or harming vegetation, humans, or animals (CA Agriculture Code section 12753, and Basin Plan Chapter 3).
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Within the Timber Waiver and all attachments: Replace the term "herbicide" with "pesticide." **Add reference** to the definition in Attachment A definition "(as defined in Attachment A)". This term replacement occurs within the Timber Waiver at:

- Section C, General Condition 2 (page 10)
- Section D, Category 4, Condition 16 (page 19)
- Section D, Category 5, Condition 11 (page 22)
- Section D, Category 6, Condition 21 (page 26)
- Attachment C, Question 8 (page 3)
- Attachment K, Question 9 (page 3)

13) Page 20-0039 of Board Packet

page 6 of Attachment A

Attachment A. Add the following term and definition to the table of definitions above the term, "Undeveloped Lot":

<u>TRIGGER</u>	is a quantifiable target or value that represents a measurement below or before a significant negative impact occurs, so that if the trigger value is reached (e.g. measured soil disturbance), operations causing the impact are stopped and alternative actions taken.
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14) Page 20-0048 of Board Packet

page 1 of Attachment C

Attachment C. Remove strikethrough and add underlined text as follows:

**Category 4 Application Form
and
Monitoring and Reporting Program
for
~~Timber Harvest and Vegetation Management Activities which Rely on
Existing Roads,
Meet 10 Criteria, and May Include Winter Period Operations~~**

Page 20-0050 of Board Packet

page 3 of Attachment C

Attachment C. Remove strikethrough and add underlined beginning with the 6th bullet:

- ☐ Location of all existing watercourse crossings ~~and any temporary Class III watercourse crossings.~~
- ☐ Approximate location of dry Class III watercourse crossings.
- ☐ Location of proposed temporary over-snow skid trail watercourse crossings (if known).

Page 20-0051 of Board Packet

end of Attachment C

Attachment C. Add all of the following text for the monitoring program to the last page of Attachment C:

Monitoring and Reporting Program

Pursuant to Water Code section 13267, visual monitoring and semi-annual reporting are required for all activities that proceed under Category 4 of the Timber Waiver.

Implementation Monitoring:

Fall Implementation Monitoring: Review Attachment G for monitoring required before the winter period of each year. This monitoring must be reported to the Water Board by **January 15**. A "final compliance report" or "work completion report" inspection, conducted by the California Department of Forestry and Fire Protection (CAL FIRE) prior to the winter period and after cessation of active harvesting and road construction, may be substituted for fall implementation monitoring if the inspection covers the entire plan area and the report is submitted to the Water Board by January 15.

Daily Winter-Period Monitoring: Review Attachment E for daily monitoring required if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A). This monitoring must be reported to the Water Board by **July 15**.

Winter Implementation Monitoring: Review Attachment H for monitoring required at the conclusion of winter operations each year. This monitoring must be reported to the Water Board by **July 15**.

Photo-Point Monitoring:

Photo-point monitoring (as described in Attachment L) is required if **any** of the following conditions exist within the plan or if Water Board staff specifically requests photo-point monitoring for particular areas of your plan (e.g., during application review, agency consultation, or site visit).

- ☐ Reconstruction of a bridge crossing over a watercourse
- ☐ Reconstruction of a watercourse crossing using a culvert that is 24 inches or greater in diameter

15) Page 20-0057 of Board Packet

page 1 of Attachment E

Attachment E. Add underlined text as follows to the third paragraph:

In the interest of not requiring redundant monitoring during extended dry periods, daily monitoring is only required beginning with the first National Weather Service forecast of 30% chance of precipitation (<http://www.nws.noaa.gov/>). If 7 days of dry weather persists and soils are dry after a precipitation event you may cease monitoring until next time National Weather Service forecasts a 30% chance of precipitation.

Page 20-0058 of Board Packet

page 2 of Attachment E

Attachment E. Remove strikethrough and **add** underlined text as follows to the first footnote:

¹ **Over dry soil conditions:** ~~There has been no precipitation within the last two weeks and/or s~~Soils are dry (i.e., loose and will not form a ball when squeezed by hand) to a depth of one foot.

16) Page 20-0069 of Board Packet

page 1 of Attachment H

Attachment H. Add "4" to the fifth line of the title (to include Category 4 activities).

17) Pages 20-0073 and 20-0076 of Board Packet

pages 2 and 5 of Attachment I

Attachment I. Add underlined text as follows to the last paragraph of both pages:

If evidence of sediment erosion and delivery to a waterbody are observed:

- ☐ Identify the waterbody and describe specific locations within or adjacent to the waterbody.
- ☐ Photograph the source of sediment and point of delivery to the waterbody and record photo monitoring using the Photo-Point Monitoring Form (Attachment L).
- ☐ Describe what and when corrective measures will be taken to stop sediment delivery and protect water quality.
- ☐ Report discharges by telephone (530) 542-5400 no later than 24 hours after detection.

Pages 20-0074 and 20-0077 of Board Packet

pages 3 and 6 of Attachment I

Attachment I. Remove strikethrough as follows to the second paragraph of both pages:

If any erosion or failed management measures cause, ~~or may cause, one or more cubic yards of~~ sediment delivery to a waterbody, then photo-point monitoring is required using the Photo-Point Monitoring Form (Attachment L).

Pages 20-0082 of Board Packet

page 2 of Attachment J

Attachment J. Remove strikethrough and **add** underlined text as follows to the third paragraph:

If evidence of significant ($> 1\text{-yd}^3$) sediment erosion and delivery of waste to waterbodies are observed:

18) Page 20-0087 of Board Packet

page 3 of Attachment K

Attachment K. Add text as follows on item 9:

9. Provide activity information below as required in conditions 4 and 5 on pages 23 and 24 of the Timber Waiver:

Page 20-0088 of Board Packet

page 4 of Attachment K

Attachment K. Remove strikethrough and add underlined beginning with the 7th bullet:

- ☐ Location of all existing and proposed watercourse crossings, except for skid trail watercourse crossings (including skid trail watercourse crossings).
- ☐ Approximate location of skid trail watercourse crossings.
- ☐ Location of erosion hazard rating areas, if more than one rating exists.

Page 20-0089 of Board Packet

page 5 of Attachment K

Attachment K. Add the following language to the Implementation Monitoring section at the top of the page:

Daily Winter-Period Monitoring: Review Attachment E for daily monitoring required if tractor, vehicle, or equipment operations occur in the winter period (as defined in Attachment A). This monitoring must be reported to the Water Board by July 15.

19) Page 20-0100 of Board Packet:

Attachment N, page 3. Remove the following subtitle from near the top of the page:

~~Available Exemptions for Timber Harvest and Vegetation Management Activities within the Little Truckee River, Truckee River, and Lake Tahoe HUs~~

Page 20-0101 of Board Packet:

Attachment N, page 4, second paragraph. Remove strikethrough and add underlined text as follows:

Examples of activities conducted within 100-year floodplains or in SEZs that would require an exemption include:

- Enlargement of existing permanent watercourse crossings and/or existing roads
- Construction of temporary roads
- Construction of temporary watercourse crossings and associated approaches in place longer than one season
- Construction of skid trails
- Pile burning
- Conventional equipment operated off-road in SEZs or floodplains

20) Pages 20-0105 - 20-0107 of Board Packet Pages 1 – 3 of Attachment O

Attachment O. Changes are highlighted in the enclosed document. Remove strikethrough and add underlined text as indicated.

21) Pages 20-0109 - 20-0110 of Board Packet pages 1 & 2 of Attachment P

Attachment P. Changes are highlighted in the enclosed document. Remove strikethrough and add underlined text as indicated.

22) Page 20-0112 of Board Packet page 1 of Attachment Q

Attachment Q. Remove the last line of page 1 as follows:
(source: USFS LTBMU)

23) Page 20-0240 of Board Packet:

Response to Comments page 13. Remove strikethrough and add underlined text

SFL et al # 12	... Water Board staff foresee potential benefits and potential ecological and water quality risk associated with leaving chipped and masticated biomass within project areas including Waterbody Buffer Zones. Environmental and water quality benefits include erosion control (Hatchett et al., 2006), buffering soil from compaction due to equipment operation (cite something here hogan or Han <u>Hatchett et al., 2006</u>), nitrogen immobilization (Homyak et al., 2008), and favorable germination environment for some species (Wolk and Rocca, 2008). Potential ecological and water quality risk can be associated with delivery of chipped and masticated material to surface waters either by direct placement or via stormwater or snowmelt runoff, or suppression of vegetation growth when the depth of material <u>is excessive</u> exceeds (Wolk and Rocca, 2008).
SFL et al # 13	This condition is identical to one found in the California Forest Practice Rules (CCR, title <u>9</u> 14, sections 14.6, 934.6, 954.6 (a) (2).

ENCLOSURES:

1. Attachment O (with late revisions indicated in underline/strikeout)
2. Attachment P (with late revisions indicated in underline/strikeout)